

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

(Boston Division)

05 11611 WGY

JAMES GOODREAU AND
ANN GOODREAU

- vs. -

ICS, BLOUNT INC.

MAGISTRATE JUDGE Bowles

C. A. NO.

NOTICE OF REMOVAL

TO: The Honorable Judges of the
United States District Court
For The District of Massachusetts

RECEIPT # _____
AMOUNT \$ 250
SUMMONS ISSUED N/A
LOCAL RULE 4.1 1
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. FOM
DATE 8/2/05

The Notice of defendant, Blount, Inc., ("Blount") respectfully shows:

1. Blount is the defendant in a civil action brought in the Superior Court of the Commonwealth of Massachusetts, Plymouth County, entitled "James Goodreau, et al v. ICS, Blount Inc.", bearing Civil Action No. PLCV 2005-00787-B. Blount was served with a copy of the Complaint in said action, on or about July 18, 2005 by certified mail. A certified copy of the State Court file which includes all pleadings filed by plaintiffs is attached hereto as Exhibit "A".

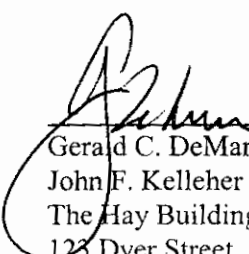
2. The above-described action is an action over which this Court has jurisdiction and is removable under the provisions of Title 28, United States Code Sections 1332 and 1441(a) and (b), in that this is a civil action between citizens of different states, as more fully appears herein, and it is believed the amount in controversy exceeds the sum or value of SEVENTY-FIVE THOUSAND DOLLARS & 00/100 (\$75,000.00) based on plaintiff's assertion that they are entitled to "damages, plus interest, costs and reasonable attorney's fees".

3. As alleged in the Complaint, the plaintiffs, James Goodreau and Ann Goodreau are residents of Brockton in the County of Plymouth, Commonwealth of Massachusetts.

4. As alleged in plaintiffs' Complaint, defendant, Blount, is a corporate entity having its principle place of business located in the City of Portland, State of Oregon.

WHEREFORE, defendant prays that the above action now pending in the Superior Court of the Commonwealth of Massachusetts in and for the County of Plymouth be removed therefrom to this Court.

Defendant,
BLOUNT, INC.,
By its attorneys,
HIGGINS, CAVANAGH & COONEY, LLP



Gerald C. DeMaria (BBO No. 549381)
John F. Kelleher (BBO No. 600176)
The Hay Building, 4th Floor
123 Dyer Street
Providence, RI 02903-3987
Telephone: 800-274-5299
401-272-3500 (Ext. 134, 117)
Facsimile: 401-273-8780
E-Mail: gdemaria@hcc-law.com
jkelleher@hcc-law.com

CERTIFICATION

I hereby certify that a copy of the within Notice of Removal was mailed, postage prepaid, to Brian C. Dever, Esq., KECHES & MALLEN, P.C., 122 Dean Street, Taunton, Massachusetts 02780, on this 2nd day of August, 2005.



Gerald C. DeMaria

-20041213
ospa~

Commonwealth of Massachusetts
PLYMOUTH SUPERIOR COURT
Case Summary
Civil Docket

08/02/2005
10:39 AM

PLCV2005-00787
Goodreau et al v ICS, Blount, Inc.

File Date	07/11/2005	Status	Disposed: transferred to other court (dtrans)		
Status Date	08/02/2005	Session	B - Civil B - CtRm 1 (Plymouth)		
Origin	1	Case Type	B05 - Products liability		
Lead Case		Track	A		
Service	10/09/2005	Answer	12/08/2005	Rule 12/19/20	12/08/2005
Rule 15	10/04/2006	Discovery	08/30/2007	Rule 56	10/29/2007
Final PTC	02/26/2008	Disposition	07/10/2008	Jury Trial	Yes

PARTIES

Plaintiff
James Goodreau
Active 07/11/2005

Private Counsel 544203
Brian C Dever
Keches & Mallen
122 Dean Street
Taunton, MA 02780
Phone: 508-822-2000
Fax: 508-822-8022
Active 07/11/2005 Notify

Plaintiff
Ann Goodreau
Active 07/11/2005

Defendant
ICS, Blount, Inc.
Service pending 07/11/2005

Private Counsel 549381
Gerald C DeMaria
Higgins Cavanagh & Cooney
123 Dyer Street
The Hay Building
Providence, RI 02903
Phone: 401-272-3500
Fax: 401-273-8780
Active 08/02/2005 Notify

Private Counsel 600176
John F Kelleher
Higgins Cavanagh & Cooney
123 Dyer Street
Providence, RI 02903
Phone: 401-272-3500
Fax: 401-273-8780
Active 08/02/2005 Notify

ENTRIES

Date	Paper	Text
07/11/2005	1.0	Complaint & civil action cover sheet filed

20041213
ospa

Commonwealth of Massachusetts
PLYMOUTH SUPERIOR COURT
Case Summary
Civil Docket

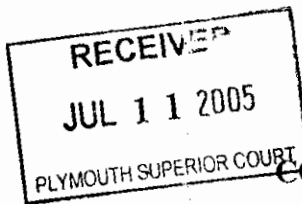
08/02/2005
10:39 AM

PLCV2005-00787
Goodreau et al v ICS, Blount, Inc.

8-2-05

te	Paper	Text	ATTEST
/11/2005		Origin 1, Type B05, Track A.	
/02/2005		Notice of Removal to the U. S. District Court for the District of Massachusetts filed by Defendant's Counsel	<i>Grand R. Fawcett</i>
3/02/2005		Case REMOVED this date to US District Court of Massachusetts	CLERK

EVENTS



COMMONWEALTH OF MASSACHUSETTS

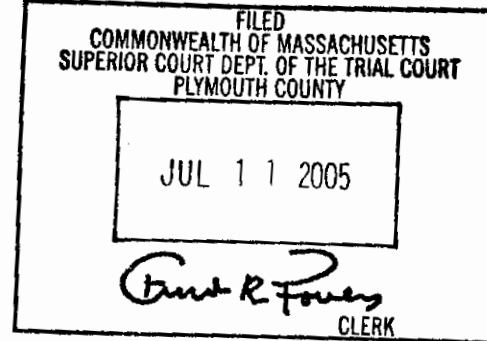
PLYMOUTH, ss.

SUPERIOR COURT CIVIL ACTION NO.: *ACV 2005-787-B*

JAMES GOODREAU and
ANN GOODREAU
Plaintiffs,

vs.

ICS, BLOUNT INC.
Defendant.



COMPLAINT & JURY DEMAND

1. The Plaintiff, James Goodreau, is an individual residing at 26 Sheridan Street, Brockton, Plymouth County, Massachusetts.
2. The Plaintiff, Ann Goodreau, is an individual residing at 26 Sheridan Street, Brockton, Plymouth County, Massachusetts.
3. At all times material herein the Plaintiffs, James Goodreau and Ann Goodreau were lawfully married as husband and wife.
4. The Defendant, ICS, Blount Inc., is a corporate entity having its principle place of business located at 4909 SE International Way, Portland, Oregon.
5. Jurisdiction over the person of the Defendant is based upon the following:
 - a) The Defendant's transacting business in the Commonwealth of Massachusetts;
 - b) The Defendant's contracting to supply services or things in the Commonwealth of Massachusetts;
 - c) The Defendant's causing tortious injury by an act or omission in the Commonwealth of Massachusetts; and/or,
 - d) The Defendant's causing tortious injury in the Commonwealth of Massachusetts by an act or omission outside this commonwealth and regularly doing or soliciting business, or engaging in any other persistent course of conduct or deriving substantial revenue from goods used or consumed or services rendered, in the Commonwealth of Massachusetts, and set forth in Massachusetts General Laws, Chapter 223A, Section 3.
6. On or about December 13, 2004, the Plaintiff, James Goodreau was employed by ProCut, Inc., located on Calvary Street in Waltham, Massachusetts.
7. On or about December 13, 2004, during the course of his employment as a concrete cutter with ProCut, Inc., James Goodreau was operating an ICS 853 Pro-Plus hydraulic chainsaw at a job-site located on 175 Middlesex Street in Brookline, Massachusetts.
8. The Defendant ICS, Blount Inc., manufactured and/or designed and/or placed in the channels of commerce, the hydraulic chainsaw used by the Plaintiff on or about December 13, 2004, and at all times material herein.

9. On or about December 13, 2004, the Plaintiff James Goodreau, was seriously injured while using the ICS 853 Pro-Plus hydraulic chainsaw when he was struck by the chainsaw's chain.

COUNT I

10. The Plaintiff, James Goodreau repeats the allegations as contained in paragraphs 1 through 9 as if re-alleged more fully herein.
11. The culpability and the negligence of the Defendant were the proximate cause of the Plaintiff's injuries as follows:
- a) The Defendant negligently marketed, maintained, designed, and placed into the channels of commerce an inherently unsafe chainsaw, and the chainsaw was manufactured in an unsafe manner;
 - b) The Defendant negligently designed, developed, manufactured, tested, inspected, promoted, marketed, sold and distributed said chainsaw;
 - c) The Defendant failed to give warnings or instructions or adequate warnings or instructions to the Plaintiff of the risk or likelihood of danger involved in operating said chainsaw;
 - d) The Defendant negligently placed in the channels of trade, a product which it knew, or with reasonable care should have known, was dangerous and defective in nature and design, and negligently placed said product into the channels of trade in a manner which foresaw, or in the exercise of due care, should have foreseen, would probably carry said product into contact with persons, including the Plaintiff.
12. As a direct and proximate result of said injuries, the Plaintiff, James Goodreau was caused to incur and continues to incur medical expenses, was caused to lose and continues to lose time and income from his employment, and has suffered and continues to suffer an impairment to his ability to enjoy life and to attend to his usual activities.
13. At all times material herein, the Plaintiff, James Goodreau was in the exercise of due care and free from all comparative and contributory negligence.
14. The Plaintiff has satisfied all conditions precedent to the bringing of this cause of action.

WHEREFORE, the Plaintiff James Goodreau demands judgment against the Defendant, ICS Blount, Inc., in the amount of his damages, plus interest, costs and reasonable attorneys fees.

THE PLAINTIFF, JAMES GOODREAU, CLAIMS AND DEMANDS A TRIAL BY JURY ON ALL CAUSES OF ACTION ASSERTED HEREIN.

COUNT II

15. The Plaintiff, Ann Goodreau repeats the allegations contained in paragraphs 1 through 14 as if re-alleged more fully herein.
16. As a direct and proximate result of the Defendant, ICS, Blount Inc.'s negligence as alleged, the Plaintiff, Ann Goodreau was caused to suffer and continues to suffer a loss of her husband's consortium and society.

WHEREFORE, the Plaintiff Ann Goodreau demands judgment against the Defendant, ICS Blount, Inc., in the amount of his damages, plus interest, costs and reasonable attorneys fees.

THE PLAINTIFF, ANN GOODREAU, CLAIMS AND DEMANDS A TRIAL BY JURY ON ALL CAUSES OF ACTION ASSERTED HEREIN.

COUNT III

17. The Plaintiff repeats and reavers paragraphs 1 through 14 as if realleged more fully herein.
18. The Defendant expressly and impliedly warrantied that the ICS 853 Pro-Plus hydraulic chainsaw was safe, merchantable, and fit for the use for which it was intended.
19. The Defendant, in permitting, allowing, and/or suffering the after said defective, dangerous and hazardous 853 Pro-Plus hydraulic chainsaw, to be sold, breached its expressed and implied warranties related to merchantability, and fitness for a particular intended use and purpose.
20. The Plaintiff relied on the warranties made by the Defendant and suffered severe injuries, was caused to incur and continues to incur medical bills, was caused to lose and continues to lose time and income from his employment, has suffered and continues to suffer an impairment to his ability to enjoy life and attend to his usual activities as a result of the breaches of said warranties by the Defendant.
21. The Plaintiff has satisfied all conditions precedent to the bringing of this cause of action.
22. The Plaintiff was in the exercise of due care at all times material herein.

WHEREFORE, the Plaintiff James Goodreau demands judgment against the Defendant, ICS, Blount Inc., in the amount of his damages, plus interest, costs and reasonable attorneys fees.

THE PLAINTIFF, JAMES GOODREAU, CLAIMS AND DEMANDS A TRIAL BY JURY ON ALL CAUSES OF ACTION ASSERTED HEREIN.

COUNT IV

23. The Plaintiff, Ann Goodreau repeats the allegations contained in paragraphs 1 through 22 as if re-alleged more fully herein.
24. As a direct and proximate result of the Defendant, ICS, Blount Inc.'s breach of express and implied warranties as alleged, the Plaintiff, Ann Goodreau was caused to suffer and

continues to suffer a loss of her husband's consortium and society.

WHEREFORE, the Plaintiff Ann Goodreau demands judgment against the Defendant, ICS Blount, Inc., in the amount of his damages, plus interest, costs and reasonable attorneys fees.

THE PLAINTIFF, ANN GOODREAU, CLAIMS AND DEMANDS A TRIAL BY JURY ON ALL CAUSES OF ACTION ASSERTED HEREIN.

Respectfully submitted,
The Plaintiff,
By their Attorney,

Brian C. Dever
BBO #544203
KECHES & MALLIN, P.C.
122 Dean Street
Taunton, MA 02780
(508) 822-2000

8-2-05
A TRUE COPY ATTEST

Francis R. Fures
CLERK

CIVIL ACTION COVER SHEET	DOCKET NO.(S) <div style="font-size: 1.5em; font-family: cursive;">05-0787B</div>	<div style="text-align: right;"> </div> Superior Court of Massachusetts Superior Court Department County: <u>Plymouth</u>
PLAINTIFF(S) James Goodreau and Ann Goodreau ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE 508-822-2000 Brian C. Dever, Esq./ Keches & Mallen, P.C. 22 Dean Street, Taunton, MA 02780 Board of Bar Overseers number: 544203		DEFENDANT(S) ICS, Blount, Inc. ATTORNEY (if known)
Origin code and track designation		
Place an x in one box only: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) </div> <div style="width: 48%;"> <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X) </div> </div>		
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)		
CODE NO.	TYPE OF ACTION (specify)	TRACK IS THIS A JURY CASE?
B05	Product Liability	(A) (X) Yes () No
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> TORT CLAIMS FILED COMMONWEALTH OF MASSACHUSETTS SUPERIOR COURT DEPT. OF THE TRIAL COURT PLYMOUTH COUNTY <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px 0;">JUL 17 2005</div> <div style="text-align: right; margin-top: 10px;"> CLERK </div> </div>		
A. Documented medical expenses to date: 1. Total hospital expenses 2. Total Doctor expenses 3. Total chiropractic expenses 4. Total physical therapy expenses 5. Total other expenses (describe)	(est.) \$20,000.00 (est.) \$5,000.00 \$ (est.) \$7,000.00 \$ Subtotal \$	
B. Documented lost wages and compensation to date C. Documented property damages to date D. Reasonably anticipated future medical and hospital expenses E. Reasonably anticipated lost wages F. Other documented items of damages (describe)	\$26,000.00 \$ \$ \$ \$	
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) The Plaintiff suffered an open right tibia fracture as well as multiple leg lacerations as a result of being struck by the chain of a chainsaw. The Plaintiff required surgery to treat his fracture. As a result of his injuries, the Plaintiff was disabled from work and has lost in excess of \$26,000.00 in earnings to date.		TOTAL \$58,000.00
CONTRACT CLAIMS (Attach additional sheets as necessary)		
Provide a detailed description of claim(s):		
A TRUE COPY ATTEST <div style="text-align: right;"> CLERK </div>		TOTAL \$
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT		
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."		
Signature of Attorney of Record		DATE: 7/8/05

**Commonwealth of Massachusetts
County of Plymouth
The Superior Court**

CIVIL DOCKET# **PLCV2005-00787-B**

RE: **Goodreau et al v ICS, Blount, Inc.**

TO: Brian C Dever, Esquire
Keches & Mallen
122 Dean Street
Taunton, MA 02780

TRACKING ORDER - A TRACK

You are hereby notified that this case is on the average (A) track as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

Service of process made and return filed with the Court	10/09/2005
Response to the complaint filed (also see MRCP 12)	12/08/2005
All motions under MRCP 12, 19, and 20 filed	12/08/2005
All motions under MRCP 15 filed	10/04/2006
All discovery requests and depositions completed	08/30/2007
All motions under MRCP 56 served and heard	10/29/2007
Final pre-trial conference held and firm trial date set	02/26/2008
Case disposed	07/10/2008

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session **B** sitting in **CtRm 1 (Court Street, Plymouth), Plymouth Superior Court**.

Dated: 07/11/2005

Francis R. Powers
Clerk of the Courts
BY: Adam Baler
Assistant Clerk

Location: CtRm 1 (Court Street, Plymouth)
Telephone: (508) 747-6911

2

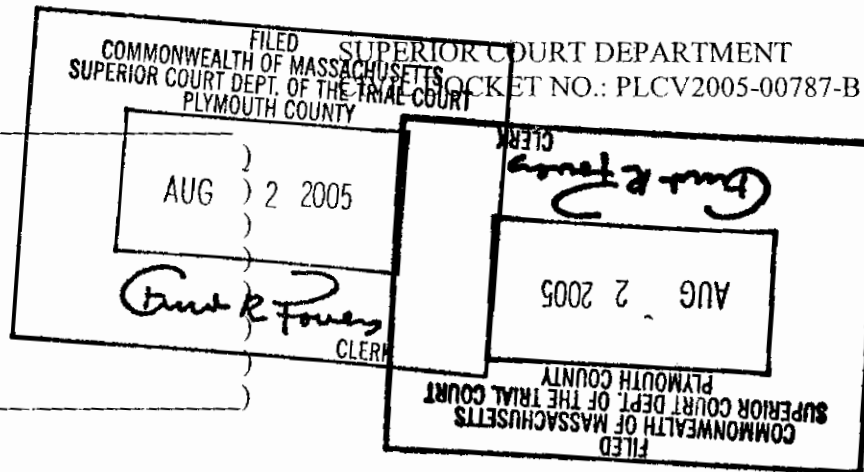
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

JAMES GOODREAU AND
ANN GOODREAU

- vs. -

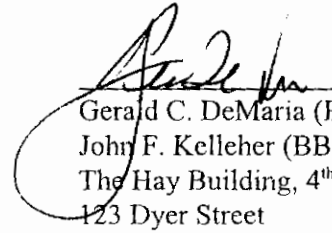
ICS, BLOUNT INC.



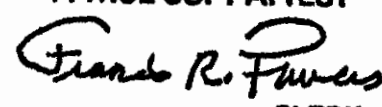
**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT**

PLEASE TAKE NOTICE that defendant, Blount, Inc., in the above-entitled action, did on or about August 2nd, 2005, file in the United States District Court for the District of Massachusetts its Notice of Removal of this action from this Court to the United States District Court, a copy of the Notice of Removal is attached hereto as Exhibit "A".

Defendant,
BLOUNT, INC.,
By its attorneys,
HIGGINS, CAVANAGH & COONEY, LLP

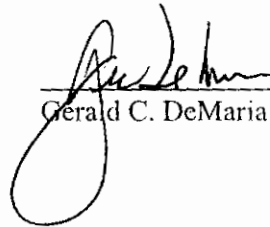

Gerald C. DeMaria (BBO No. 549381)
John F. Kelleher (BBO No. 600176)
The Hay Building, 4th Floor
123 Dyer Street
Providence, RI 02903-3987
Telephone: 800-274-5299
401-272-3500 (Ext. 134, 117)
Facsimile: 401-273-8780
E-Mail: gdemaria@hcc-law.com
jkelleher@hcc-law.com

8-2-05
A TRUE COPY ATTEST


CLERK

CERTIFICATION

I hereby certify that a copy of the within Notice of Removal to the United States District Court was mailed, postage prepaid, to Brian C. Dever, Esq., KECHES & MALLIN, P.C., 122 Dean Street, Taunton, Massachusetts 02780, on this 2nd day of August, 2005.



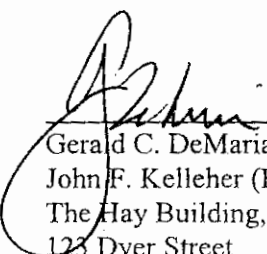
Gerald C. DeMaria

3. As alleged in the Complaint, the plaintiffs, James Goodreau and Ann Goodreau are residents of Brockton in the County of Plymouth, Commonwealth of Massachusetts.

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Defendant,
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Gerald C. DeMaria

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO.: PLCV2005-00787-B

JAMES GOODREAU AND
ANN GOODREAU

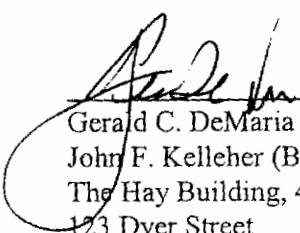
- vs. -

ICS, BLOUNT INC.

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UNITED STATES DISTRICT COURT**

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Defendant,
BLOUNT, INC.,
By its attorneys,
HIGGINS, CAVANAGH & COONEY, LLP


Gerald C. DeMaria (BBO No. 549381)
John F. Kelleher (BBO No. 600176)
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E-Mail: gdemaria@hcc-law.com
jkelleher@hcc-law.com

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) James Goodreau v ICS Blount, Inc

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☐ NO ☒A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Gerald DeMariaADDRESS 123 Dyer St. Providence RI 02903TELEPHONE NO. 401 272 3500

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

James Goudreau
Ron Goudreau

(b) County of Residence of First Listed Plaintiff Plymouth
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brian Dover
Heather Mollen
122 Deane St. Taunton MA 02780
508-822-2000

DEFENDANTS

Ics. Blount, Inc.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Gerald D. Marino
John Kelly
123 Dyer St
Providence RI 02903
401-272-3500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|-------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

11 U.S.C. Section 1332 + 1041 a+b

Brief description of cause:

Civil action between citizens of dif. states

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____